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## UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

Glock Inc. Plaintiff,	)		MES N. HATTEN, CLERK
v	)	Case no. 1:12-CV-0136	
Global Guns & Hunting Inc. DBA OMB Guns, and John Ralph III, Defendant(s)	)		

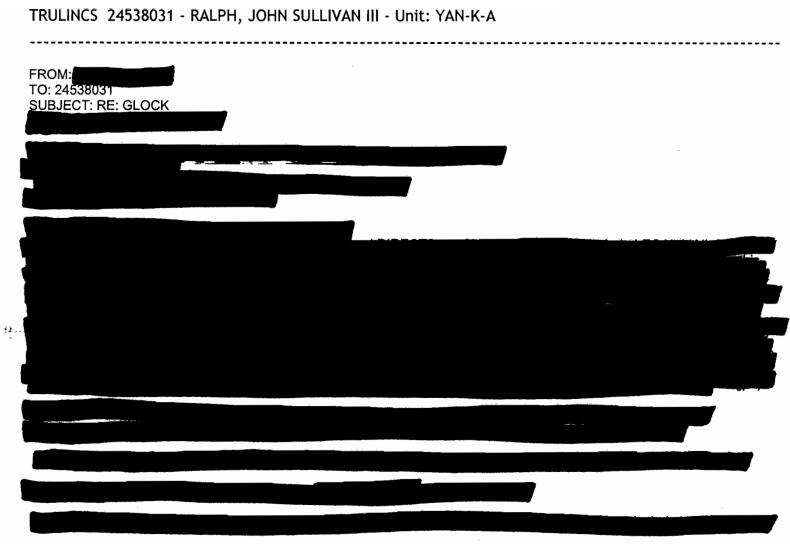
DEFENDANT'S MOTION TO DISMISS FOR PLAINTIFF'S FAILURE TO COMPLY WITH COURT'S ORDER TO FILE NOTICE IN DUE TIME:

Comes now John Ralph (Ralph), a pro se defendant respectfully moves the Court to grant the motion to dismiss the August 18, 2016 default judgement against Ralph. Per the September 30, 2106 "Order" defendant Ralph was "DIRECTED" to notify parties if he is able to access those documents by emailing the Court and the plaintiff as soon as practicable, and in no event later than October 11, 2016," in reference to the disk plaintiff Glock Inc. sent in as exhibit #45. Defendant promptly notified parties that the disc was not readable. A copy of the email is attached. Subsequently, plaintiff Glock Inc. was "DIRECTED to file a notice on the docket within two (2) days of the docketing of Mr. Ralph's notice, stating whether the contents of the disc can be reduced to printed forms and it would be practicable to mail the printed contents of the disc to Mr. Ralph."

Plaintiff Glock Inc. has failed to comply with the Court's directive. Defendant, Ralph respectfully moves the Court for a summary dismissal allowed under the FRCP 37(2)(A)(v), and  $60(b)(\underline{\P})(6)$ .

Respectfully submitted,

John Ralph III Pro se defendant



Response to 9/30/2016 ORDER Case 1:12ev00136AT

john ralph <johnomb@gmail.com> Tue, Oct 11, 2016 at 2:56 PM

To: John\_Bartholomew@gand.uscourts.gov

Cc: Christopher Renzulli <a href="mailto:crenzulli@renzullilaw.com">crenzulli@renzullilaw.com</a>, John Renzulli <a href="mailto:jrenzullilaw.com">jrenzullilaw.com</a>, "michael.kohler@millermartin.com</a>, "nmccarthy@renzullilaw.com</a> <a href="mailto:cnm">cnmccarthy@renzullilaw.com</a>, "chris.parker@millermartin.com</a> <a href="mailto:chris.parker@millermartin.com">chris.parker@millermartin.com</a> <a href="mailto:chr

Please find John Ralph's response regarding the disc marked as Exhibit 45.

In response to the Order dated 9/30/2016, Defendant (Ralph) respectfully answers that the computer system used here at Yankton Federal Prison Camp was NOT able to read the disc supplied by the Plantiff (Glock) and asks that the documents be sent to:

John S Ralph III #24538031 Yankton Prison Camp 1016 Douglas Ave Yankton S.D. 570783058

Marked to be seen \*\*\*LEGAL DOCUMENTS TO BE OPENED IN PRESENCE OF INMATE RALPH\*\*\*
The law firm AND the actual lawyers name sending it MUST be present or it will NOT be accepted AND preferred method by the prison is US POSTAL SERVICE.
Dated October 11, 2016
Respectfully Submitted

John S Raiph III

## CERTIFICATE OF SERVICE:

I hereby certify that a true and correct copy of the foregoing was mailed on 25 day of October 2016, postage prepaid, certified, per the Prison Mail Box Rule to the Clerk of the Court United States District Court 75 Ted Turner DR SW Richard B Russell Building Atlanta, GA 30303 and to the plaintiff's counsel at Maine & Marin GR. 1180 W Pandree & NW Rejan Page Super 2100.

Atlanta GA 30309-3407

John Ralph III